



# UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/801,951	03/08/2001	Philip G. Durr	206581	1464

23460 7590 04/13/2005

LEYDIG VOIT & MAYER, LTD  
TWO PRUDENTIAL PLAZA, SUITE 4900  
180 NORTH STETSON AVENUE  
CHICAGO, IL 60601-6780

EXAMINER

TANG, KUO LIANG J

ART UNIT	PAPER NUMBER
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2191

DATE MAILED: 04/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Interview Summary</b>	<b>Application No.</b> 09/801,951	<b>Applicant(s)</b> DURR ET AL.	
	<b>Examiner</b> Kuo-Liang J Tang	<b>Art Unit</b> 2191	

All participants (applicant, applicant's representative, PTO personnel):

(1) Kuo-Liang J Tang.

(3) Paul Heynssens (Reg. No. 47,648).

(2) Wei Zhen.

(4) Alan Collins.

Date of Interview: 07 May 2005.

Type: a) ☐ Telephonic b) ☐ Video Conference  
c) ☒ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.  
If Yes, brief description: \_\_\_\_\_.

Claim(s) discussed: 1 and 13.


Identification of prior art discussed: Richter and Du.

Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☒ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

  
WEI Y. ZHEN  
Primary Examiner

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

\_\_\_\_\_  
Examiner's signature, if required

## Summary of Record of Interview Requirements

### Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

### Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

#### Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

#### 37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,  
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

### Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments:

1. The examiner will withdraw the finality of rejection under MPEP 706.07(a) fifth paragraph.
2. The examiner answers questions raised by Applicants' representatives regarding to "detecting" in Claim 13 and "policy" in Claim 1. Applicants' representatives agree to modify the "detecting" and "policy" to clarify the claim limitations.
3. After Applicants formally filing response, the examiner will take the amendments into consideration.

**Microsoft**

# Fax

## Transmittal Form

Microsoft Corporation  
One Microsoft Way  
Redmond, WA 98052-6399  
USA

www.microsoft.com  
Phone: (425) 882-8080  
Fax: (425) 93-MSFAX (936-7329)  
Telex: 160520 Msft Bvue

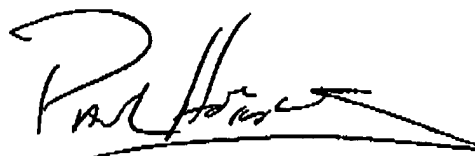
To: EXAMINER Kuo Ling J Tang	From: PAUL HANSEN
Company: US PTO	Bldg/Room:
CC:	Phone Number: 425-707-3913
Phone Number: 571-272-3705	Date & Time Sent: 4/1
Fax Number: 571-273-3705	No. of Pages: 3 incl cover

☐ Urgent ☐ For Review ☐ Please Comment/Reply

**Message...**

RE APP # 09/801,951

PLEASE SEE THE ATTACHED.



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First Named Inventor: Durr  
Application No.: 09/801,951  
Filed: 3/8/01  
Customer No.: 22971  
Title: A METHOD AND SYSTEM FOR DYNAMICALLY INSERTING MODIFICATIONS FOR IDENTIFIED PROGRAMS

Attorney Docket No.: 154596.01  
Group Art Unit: 2122  
Examiner: Kuo Liang J. Tang  
Confirmation Number:

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PROPOSED PERSONAL INTERVIEW AGENDA**

Dear Sir:

Applicant appreciates the Office agreeing to participate in an in person interview with the undersigned for the above-identified application. The undersigned contacted the Office to request this interview. In turn the examiner proposed an interview date of April 7, 2004 at 11:00AM, subject to submission of this agenda.

Accordingly, the undersigned first proposes discussing applicant's request that the examiner lift the finality of the rejection under MPEP 706.07(a) fifth paragraph, regarding the propriety of issuing a final office action based on Applicants submission of a "statement of common ownership", and the Examiners subsequent new rejection.

First the undersigned would like to present an over view of the Applicant's invention.

Additionally, the undersigned next proposes discussing U.S. Patent No. 6,412,109 to Ghosh ("Ghosh") and ("Richter") in view of independent claim 13. The undersigned would like to discuss the all of the elements of claim 13. Specifically, the undersigned would like to discuss how the language "calling, from a calling module having an identity, an original program segment of the active executable program that has been modified to include an

Type of Response: Proposed Interview Agenda  
Application Number: 09/801,951  
Attorney Docket Number: 154596.01

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exception inducing code, the exception inducing code comprising executable binary code that induces an exception handled by an exception handling routine" as recited in claims 13 are patentable over Ghosh and Richter.

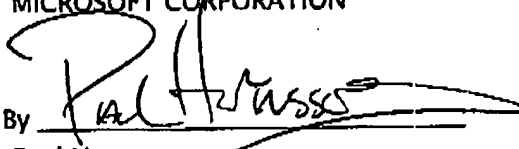
Finally, the undersigned next proposes discussing U.S. Patent No. 6,308,163 to Du et al ("Du") and U.S. Patent No. 6,330,569 to Baisley et al ("Baisley") in view of independent claim 1. The undersigned would like to discuss the all of the elements of claim 1. Specifically, the undersigned would like to discuss how the language "creating an association between ones of the set of original program segments and ones of the set of substitute program segments, each association comprising a policy for determining whether to execute the substitute program segment depending on an identity of a calling module of the original program segment" as recited in claims 13 is patentable over Du and Baisley.

The Office is respectfully requested to consider this proposed interview agenda and contact the undersigned at (425) 707-3913 if there are any questions.

Respectfully submitted,

MICROSOFT CORPORATION

By



Paul Heynssens

Registration No. 47,648

Date: March 31, 2005